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10/010,341	12/05/2001	Velimir Pletikosa	555255012293	7287

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EXAMINER

CHIANG, JACK

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/010341

Applicant(s)

V. Pletikosa

Examiner

G. Chiang

Group Art Unit

2642

#2

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 12-05-01
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-31 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-31 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

**CLAIMS**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 6, 7, 9-13, 17, 21, 22, 24-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Romao (EP 0969641).

Regarding claim 1, Romao shows:

A mobile device housing having a top surface (see 1);

A touch screen (2);

A protective cover comprising a protective surface (14) and a position mechanism (15);

A first position (closed position);

A second position (open position in fig. 1);

At least a portion of the protective surface is transparent (see 16).

Regarding claim 10, Romao shows:

A mobile device housing having a top surface (see 1);

A touch screen (2);

A protective cover comprising a protective surface (14) and a position mechanism (15);

A first position (closed position);

A second position (open position in fig. 1);

The cover (14) includes apertures (16) for providing input commands to the touch surface when the cover is in the first position (closed position).

Regarding claim 25, Romao shows:

A mobile device (see 1) and its user interface (2);

A protective cover comprising a protective surface (14) and a position mechanism (15);

A first position (closed position); and

A second position (open position in fig. 1)

Regarding claims 2, 6, 7, 9, 11-13, 17, 21, 22, 24, 26-30, Romao shows:

A plurality of apertures (16);

A plurality of controls (11-12);

The cell phone (1);

A hinge (15);

A touch keyboard or touch/display screen (see 2);

At least a portion of the protective surface is transparent (see 16);

The first position (closed position); and

The second position (open position in fig. 1).

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3. Claims 1-2, 6, 7, 9, 25-30 are rejected under 35 U.S.C. 102(a) as being anticipated by Schon (WO 03/021922).

Regarding claim 1, Schon shows:

A mobile device housing having a top surface (2);

A touch screen (10);

A protective cover comprising a protective surface (4) and a position mechanism (6);

A first position (fig. 1b);

A second position (fig. 1a);

At least a portion of the protective surface is transparent (4-5).

Regarding claim 25, Schon shows:

A mobile device (2) and its user interface (10);

A protective cover comprising a protective surface (4) and a position mechanism (6);

A first position (fig. 1b); and

A second position (fig. 1a).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10-17, 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schon in view of Romao or Hattori et al. (US 5638441).

Regarding claim 10, Romao shows:

A mobile device housing having a top surface (2);

A touch screen (10);

A protective cover comprising a protective surface (4) and a position mechanism (6);

A first position (fig. 1b); and

A second position (fig. 1a).

The cover (4) providing input commands to the touch surface when the cover is in the first position (fig. 1a).

Schon differs from the claimed invention in that the cover (4) having buttons (5) instead of apertures when accessing the device (2).

However, it is commonly seen the cover is either provided with buttons or apertures when accessing the device in the closed position. Hattori teaches both to use buttons (24c in fig. 5b) or apertures (24b in fig. 7) on the cover. Romao also teaches both to use buttons (fig. 2b) or apertures (fig. 1) on the cover.

Hence, it would have been obvious for one skilled in the art to use buttons on the cover as taught by all three references, or to use apertures on the cover as taught by both Hattori or Romao. This simply can be considered as a variation of each other, because the basic concept of accessing the device when the cover is closed is substantially unchanged.

6. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Romao in view of Schon.

Regarding claims 2, 6, 7, 9, 11-17, 21, 22, 24, 26-30, the combination of Schon Romao and Hattori shows:

A plurality of apertures (16 in Romao, 24b in Hattori);

A plurality of controls or area (60-1 in Schon);

A display area (60-8)

The cell phone (2);

A hinge (6);

A touch keyboard or touch/display screen (see 10);

At least a portion of the protective surface is transparent (see 5);

The first position (fig. 1b);

The second position (fig. 1a);

7. Claims 3-5 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Romao, or Schon, or the combination of Schon in view of Miyagawa et al. (US 5410447).

Regarding claims 3-5, 18-20, Romao and Schon both show a hinge.

Romao and Schon differs from the claimed invention in that it does not have details about the hinge, such as pins and rails.

However, Miyagawa teaches providing a hinge having pins and rails, and the first, second and third positions (see 35-39 in fig. 10a-10c).

Hence, it would have been obvious for one skilled in the art to adapt the Miyagawa's hinge in Romao and Schon, such that to couple the cover to the device, and to provide

a rotational range regulating mechanism for regulating a rotational range of the cover to the device (col. 2, line 60-65 in Miyagawa).

8. Claims 8, 23, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Romao, or Schon, or the combination of Schon in view of Mischneko (US 5185790).

Regarding claims 8, 23, 31, Romao and Schon both shows a hinge.

Romao and Schon differs from the claimed invention in that it does not have details about the hinge, such as integral first part/pins and integral second part/rails.

However, Mischneko teaches providing a hinge having integral first part/pins (205, 207) and integral second part/rails (303, 503).

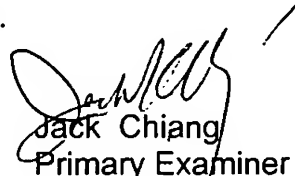
Hence, it would have been obvious for one skilled in the art to adapt the Mischneko's hinge in Romao and Schon, such that to couple the cover to the device, and to provide a cover which is rotated to the position and thereby maintain the cover in the position (col. 2, line 47-49 in Mischneko).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 703-305-4728. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jack Chiang  
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Art Unit 2642